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November 6, 2020

BY ECF

Honorable Vera M. Scanlon
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Kenneth V. Iacone, Sr. v. 123rd Police Station, et al.
19 Civ. 3859 (KAM) (VMS)

Your Honor:

I am a Senior Counsel in the Office of the Corporation Counsel of the City of New York and the attorney assigned to represent defendant Police Officers Cuadros and Zielinki in the above-referenced matter. Defendants write in response to the Court's Order dated October 7, 2020, that Defendants inform the Court of their position regarding mediation in this matter.

As Your Honor is aware, during the status conference held on October 7, 2020, the Court asked the parties whether they were interested in participating in mediation through the Alternative Dispute Resolution ("ADR") Program for the Eastern District of New York. The Court informed Plaintiff that the ADR office has an ongoing cooperative effort with a law school clinic, and that such clinic may offer to represent Plaintiff *pro bono* during any such mediation. Plaintiff represented that he wanted to engage in mediation and to be represented by such *pro bono* clinic during that process.

While Defendants believe that this case would be suitable for dismissal pursuant to a Motion for Summary Judgment, Defendants nevertheless consent to participate in mediation to the extent Defendants and this Office would not be financially liable for the cost of the mediation, including the retention of a mediator. Defendants further request that they be permitted to participate in any mediation remotely via video or teleconference due to the COVID-19 pandemic.

Defendants thank the Court for its attention to this matter.

Respectfully submitted,

Corey S. Shook /s

Corey S. Shook

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Special Federal Litigation Division

cc: Kenneth V. Iacone, Sr. (By Mail)
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